



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,430	09/13/2000	Satoshi Ejima	107323	8405
25944	7590	04/15/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	10

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,430

Applicant(s)

EJIMA ET AL.

Examiner

Kelly L. Jerabek

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/12/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-15, and 19-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group VI, claims 16-18 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. This is not found persuasive because the subject matter of each of the groups includes material that is classified in entirely different subclasses. Group I includes a camera having the capability to frame feed and frame rewind image data, which would require a search in class 348, subclass 231.2. Group II includes a camera with a mode selector switch for selecting either a recording mode or a reproduction mode, which would require a search in class 348, subclass 231.99. Group IV includes a camera with exposure control, which would require a search in class 348, subclass 221.1. Group V includes a camera with a magnification adjustment circuit, which would require a search in class 348, subclass 240.99. Group VI includes a camera with a sub-sampling circuit, which would require a search in class 348, subclass 230.1. Therefore, a thorough search of any one Group of claims would not encompass a search for the subject matter of the remaining claims. Thus, the search and examination of the entire application could not be made without serious burden to the examiner.

Claims 1-15, and 19-35 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-18 rejected under 35 U.S.C. 102(e) as being anticipated by Mead et al. US 6,646,680.

Re claim 16, Mead discloses in figure 8 an image-capturing device (800) that captures an image through a taking lens (fig. 1: 101)(col. 3, lines 4-12). The camera (800) includes a sub-sampling circuit that sub-samples the image signal and reads out

sub-sampled image signals (col. 6, lines 65-67; col. 7, lines 1-12). The sub-sampled image capture signal is then read out and a specific type of processing (eg: image is adjusted and focused) is performed on the sub-sampled image (col. 7, lines 7-12).

Re claim 17, a display device (804) displays an image using the sub-sampled signal (col. 7, lines 1-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Mead in view of Jang et al. US 5,200,828.

Re claim 18, Mead includes all of the limitations according to claim 16. Furthermore, Mead states that a focus adjustment can be made based on a sub-sampled image (col. 7, lines 7-10). However, Mead does not mention a contrast detection circuit for detecting contrast in the subject image by using the sub-sampled

image signal and detecting a focal adjustment state of the taking lens of the camera by using the results of the contrast detection circuit.

Jang discloses in figure 2 and ~~4~~ auto-focusing method for a video camera. A contrast detection circuit detects contrast of a subject image and produces digital weighted signals (30) (col. 4, lines 32-60). The weighted signals (30) corresponding to the contrast in the image signals are then sent to a digital integrator and focusing values (40) are generated (col. 4, lines 54-60). Finally, a focal adjustment state of the lens is determined based on the focusing values (40) and the focus of the lens is adjusted (col. 5, lines 1-31). Detecting the contrast of a subject image and adjusting the focus of a lens based on the value of the detected contrast is well known and used in the art as evidenced by Jang. Therefore, it would have been obvious to include the concept of adjusting the focus of the lens of a camera based on a detected contrast of a captured image as disclosed by Jang in the camera employing scanning circuitry for sub-sampling an image signal as disclosed by Mead. Doing so would provide a means for maximizing the focusing value of a camera by adjusting the focus based on the detected contrast of the image signal.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly Jerabek whose telephone number is (703) 305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

The fax number for submitting all Official communications is (703) 872-9306.

The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-3059.

KLJ


VU LE
PRIMARY EXAMINER